

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ANDREW WHITFIELD

§

VS.

§

CIVIL ACTION NO. 9:07cv230

COMMISSIONER,

SOCIAL SECURITY ADMINISTRATION

§

ORDER ADOPTING REPORT AND RECOMMENDATION


The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and a recommendation that this Court dismiss this case for failure to prosecute the case and failure to comply with the Court's order for Plaintiff to file a brief. Plaintiff then filed a second motion to extend time to May 12, 2008, to file a brief. The Court granted the motion, and Plaintiff still has not filed a brief.

This Court finds that the Magistrate Judge's findings and conclusions are correct and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED** without prejudice;  
and

**ORDERS** that all motions not previously ruled on are denied.

**SIGNED** this the **20** day of **May, 2008**.

  
Thad Heartfield  
United States District Judge